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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,646	05/09/2006	Amjad Soomro	PHUS030443	1797
65913	7550	01/10/2008	EXAMINER	
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			LINDSEY, MATTHEW S	
			ART UNIT	PAPER NUMBER
			4152	
			NOTIFICATION DATE	DELIVERY MODE
			01/10/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

### Office Action Summary

**Application No.**

10/578,646

**Applicant(s)**

SOOMRO, AMJAD

**Examiner**

MATTHEW S. LINDSEY

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-21 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 09 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 09 May 2006  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-21 are pending in this application.

***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 7, object 787.
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. The disclosure is objected to because of the following informalities: "The returned indication typically is provided through network 630" [00034], line 6. There is no "network 630", as object 630 is a decision block in figure 6. Appropriate correction is required.

***Claim Objections***

5. Claim 14 is objected to as it recites the limitation "The device as recited in claim 1 wherein said processor" in line 1. There is insufficient antecedent basis for this limitation in the claim. For the purposes of examination Claim 14 will be treated as if it were dependent on Claim 8. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**7. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Benveniste (Pub. No: US 2004/0264397 A1), hereinafter Benveniste.**

8. With respect to Claim 1, Benveniste discloses: "A method for determining in a network component when to provide service to client devices operating in power-saving mode in a wireless network (Abstract, lines 1-3), said method comprising the steps of: receiving a requested servicing signal from said client device (Figure 7, object 760); determining an ability to accommodate said requested servicing signal ([0050], lines 1-7); and providing an indication of the ability to accommodate said requested servicing signal to said client device ([0052], lines 1-3, and [0054], lines 1-3)".

9. With respect to Claim 8, Benveniste discloses: "A device for determining in a network component when to provide service to client devices operating in power-saving mode in a wireless network (Abstract, lines 1-3), said device comprising: a memory (Figure 3, object 303); a processor in communication with said memory (Figure 3, object 302), said processor operable to execute code for: receiving a requested servicing signal from said client device (Figure 7, object 760); determining an ability to accommodate said requested servicing signal ([0050], lines 1-7); and providing an indication of the ability to accommodate said requested servicing signal to said client device ([0052], lines 1-3, and [0054], lines 1-3)".

10. With respect to Claim 18, Benveniste discloses: "A processor (Figure 3, object 302) within a network component (Figure 3, objects 301, 304) for determining the ability of said network component to honor a servicing request signal receiving from a client device (Abstract, lines 1-3), said processor executing code for: reviewing an operating state of said network component ([0036], lines 3-7, where buffering frames for a power-saving station in doze state indicates that the access point reviews the operating state of the network component); reviewing said servicing request signal ([0050], lines 1-7); accommodating said servicing request signal ([0054], lines 1-3), with modification when necessary ([0063], lines 1-4 and [0065], lines 1-3), when said operating state and said servicing request signal are corresponding ([0053], lines 1-4); and providing an indication of said accommodation to said client device ([0065], lines 1-3).

11. With respect to Claims 2, 9 and 21, Benveniste discloses: "wherein said requested servicing signal is selected from the group consisting of: scheduled ([0048], lines 1-3) and unscheduled ([0056], lines 3-5, non power saving stations have no need to schedule transfers)".

12. With respect to Claims 3 and 10, Benveniste discloses: "wherein said scheduled requested servicing signal includes a proposed service schedule ([0049], lines 1-3)".

13. With respect to Claims 4 and 11, Benveniste discloses: "further comprising the step of: modifying said proposed service schedule ([0063], lines 1-4)".

14. With respect to Claims 5 and 12, Benveniste discloses: "further comprising the step of: providing said modified service schedule to said client device ([0065], lines 1-3)".

15. With respect to Claims 6 and 13, Benveniste discloses: "wherein said indication is selected from the group consisting of: denied ([0052], lines 1-3), accommodated with change ([0065], lines 1-3), accommodated ([0054], lines 1-3)".

16. With respect to Claims 7 and 14, Benveniste discloses: "wherein the step of determining an ability to accommodate is based on at least one factor selected from the group consisting of: the requested servicing method ([0050], lines 1-7), the proposed schedule ([0050], lines 1-7), network operating state ([0050], lines 1-7), network policy ([0050], lines 1-7), and network condition ([0050], lines 1-7)".

17. With respect to Claim 15, Benveniste discloses: "The device as recited in claim 8, further comprising: an I/O device operable as an interface between said network and said processor (Figure 3, objects 301, 304)".

18. With respect to Claim 16, Benveniste discloses: "The device as recited in claim 8, wherein said code is stored in said memory ([0040], lines 1-6)".

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19. With respect to Claim 17, Benveniste discloses: "The device as recited in claim 8, further comprising: a receiving device for receiving said requested service method (Figure 3, object 301); and a transmitting device for providing at least said indication to said client device (Figure 3, object 304).

20. With respect to Claim 19, Benveniste discloses: "The processor as recited in claim 18, further executing code for: providing an indication of denying said servicing request signal when said operating state and said servicing request signal are not corresponding ([0052], lines 1-5).

21. With respect to Claim 20, Benveniste discloses: "The processor as recited in claim 18, wherein said operating state is selected from the group consisting of: processing load ([0052], lines 3-5), demand ([0050], lines 1-7), projected processing load ([0050], lines 1-7), projected demand ([0050], lines 1-7), network component operating state ([0036], lines 3-5, data is not transferred when the device is in power-saving mode), network component policy ([0050], lines 1-7), and network component condition ([0036], lines 3-5, data is not transferred when the device is in power-saving mode)".



***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Chen (Pub. No: US 20030007466 A1) teaches predictive scheduling.
- b. Meier et al. (Pub. No: US 2005/0018624 A1) teaches wake up synchronization and communication.
- c. Benveniste et al. (Pub. No: US 20040223493 A1) teaches dealing with lost acknowledgements in a power saving device.
- d. Heil (Pub. No US 2004/0122832 A1) teaches scheduling a service.
- e. Smith et al. (Pub. No: US 2003/012644 A1) teaches scheduling network requests based on capacity available.
- f. Bahl et al. (Pub. No: US 2003/0203740 A1) teaches a low power transmission channel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7:30-5, Alternate Fridays 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on (571) 272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSL  
1/02/2008

/Nabil El-Hady, Ph.D, M.B.A./  
Supervisory Patent Examiner, Art Unit 4152